

IN THE CLAIMS

This listing of claims replaces all prior listings:

1. (Currently amended) A non-aqueous electrolyte secondary battery comprising a positive electrode, a non-aqueous electrolyte, and a negative electrode comprised of a graphite material, wherein:

$$(1) \quad G_s = H_{sg}/H_{sd} \leq 10$$

wherein H_{sg} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1580 cm^{-1} to 1620 cm^{-1} , both inclusive, and H_{sd} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1350 cm^{-1} to 1400 cm^{-1} , both inclusive;

(2) said graphite material comprises graphite and a component other than graphite, and

(3) said graphite material is further characterized by:

(a) a rhombohedral structure;

(b) at least two separate peaks on a differential thermogravimetric curve obtained by thermogravimetric analysis in an airflow; and

(c) the proportion of weight reduction due to the component other than graphite and as measured by DTG, is at least 5% and at most 40%.

2. (Previously canceled)

3. (Currently amended) A non-aqueous electrolyte secondary battery comprising:

a positive electrode, a negative electrode and a non-aqueous electrolyte, wherein,

the negative electrode contains graphite material, said graphite material comprising graphite and a material other than graphite, wherein said graphite material is characterized by a saturated tapping density of 1.0 g / cm^3 or more, wherein the ~~proportion of weight reduction of the graphite material due to the component other than graphite and~~ as measured by DTG, is at least 5% and at most 40%.

4. (Currently amended) A non-aqueous electrolyte secondary battery comprising:

a positive electrode, a negative electrode and a non-aqueous electrolyte, wherein,

the negative electrode contains graphite material, wherein said graphite material comprises graphite and a material other than graphite, and said graphite material is characterized by:

(a) a packing characteristic index of 0.42 or more,

(b) a rhombohedral structure, and

(c) the ~~proportion of weight reduction due to the component other than~~
~~graphite and~~ as measured by DTG and is at least 5% and at most 40%.

5. (Currently amended) A non-aqueous electrolyte secondary battery comprising:

a positive electrode, a negative electrode and a non-aqueous electrolyte, wherein, the negative electrode's formed by pressing and contains a graphite material, said graphite material comprising graphite and a component other than graphite, said graphite material's characterized by a ~~proportion of weight reduction due to the component other than graphite and~~ as measured by DTG and is at least 5% and at most 40%.

6. - 14. (Previously canceled)

15-46 (Previously withdrawn)